

Art Unit: 1633

Mr. Torczon:

I do not believe the added limitations in the examiner's amendment make the claims patentably distinct from the claims of 08/289,290 for reasons following:

| Claim Limitation | US Application 10/001,017 | US Application 08/289,290 |
|--|---------------------------|---|
| directly injecting multiple doses of a pharmaceutical composition into a tumor | 1 | 1 embraces any route of delivery and multiple injections. Claim 38 states direct injection and embrace more than one. Example VI discloses injecting into tumor using 2 injection sites (page 42) |
| over a period of 3-8 weeks | 1 | 1 embraces more than one. Example VI states, "tumors will be injected each week on Mondays for 5-7 consecutive weeks". |
| each dose comprises about 1×10^7 to about 4×10^{12} particle units | 1 | 1 embraces any amount, 32 claims "from 10^8 to 10^{11} virus particles" |
| replication-deficient adenoviral vector | 1 | 1 embraces the limitation. Specification states, "the adenovirus vector be replication defective" page 17, lines 31-32. |